

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:04-cr-12
vs.)	
)	EDGAR/CARTER
RICKEY L. BOGGESS)	

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on August 13, 2010, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer David Shields and the Warrant for Arrest issued by U.S. District Judge R. Allan Edgar. Those present for the hearing included:

- (1) AUSA Terra Bay for the USA.
- (2) The defendant RICKEY L. BOGGESS.
- (3) Attorney Leslie Cory for defendant.
- (4) USPO Danny Haimelin.
- (5) Deputy Clerk Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Attorney Leslie Cory was appointed to represent the defendant. It was determined the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with Atty. Cory. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Bay called USPO Danny Haimelin as a witness and moved that the defendant be detained pending a revocation hearing before Chief U.S. District Judge Curtis L. Collier.

Findings

- (1) Based upon USPO Haimelin's testimony, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised

release as alleged or set forth in the Petition.

(2) The defendant has not carried his burden under Rule 32.1(a)(6) of the Federal Rules of Criminal Procedure, that if released on bail he will not flee or will not pose a danger to the community.

Conclusions

It is ORDERED:

(1) The motion of AUSA Bay that the defendant be DETAINED WITHOUT BAIL pending the revocation hearing before U.S. District Judge Curtis L. Collier is GRANTED.

(2) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Collier on **Thursday, August 19, 2010, at 2:00 pm.**

ENTER.

s/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE